Borough of Cresskill
Zoning Board of Adjustment
Public Meeting 7:30 pm
Minutes July 25, 2024

Present in Person:, Mr. Kassis, Mr. McCord, Ms. Wehle, Mr. Bancroft, Ms. Westerfeld, Mr. Cleary, Mr. Sutera , Mr. Van Horne Esq.(Board Attorney), Ms. Bauer (recording secretary)
Absent:

At 7:30 pm

Mr. Kassis said Good Evening, we are calling the July 25, 2024 Zoning Meeting to order at 7:30 pm. This meeting had been published as required by the Sunshine Laws of the State of New Jersey. A notice was properly given.

The Roll Call was taken.

The June 20, 2024 minutes were approved by Mr. Cleary, with no changes. (2:07)

Application

1425 Ilona Gont 78 Hoover Drive Block 91.07 Lot 8

Description	**Required**	**Existing**	**Proposed**	**Variance**
Front Yard Set Back	50’	55’	55’	
Side Yard Abutting/Lot	**30’**	**29.63’**	**29.63’’**	**ENC**
Front Corner	50’	55’	55’	
Combined Side Yards				
Min. Rear Yard	75’	76.44’	76.44’	
FAR	20.0%	Less than 20%	Less than 20%	
Height of Building	33.0’	Less than 33’	Less than 33’	
Lot Frontage	150’	314’	314’	
Lot Depth	200‘	200’	100’	
Bldg. Coverage %	**12.5%**	**Less than 12.5%**	**Less than 12.5%**	
Impervious Coverage	**35%**	**Less than 35%**	**Less than 35%**	
Lot Area	40,000 sf	40,014 sf	40,014 sf sf	
Front Fence	4’ Height 50% open		6’ Height 50% open	2’ Height 50% open

The applicant, Ms. Gont, would like to install a non-conforming fence at the above referenced address**.**

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The application was carried from the May 23, 2024 Zoning meeting.
The survey of the property requires revision .
There was no-one present for application 1425 at the June 27, 2024 ZBOA meeting.
Mr.Chris Blake, architect, 150 Engle St., Englewood, was sworn in. He was authorized by the applicant, Ilona Gont,, as the representative for application 1425 at the 7/25/2024 meeting of the ZBOA, to testify, and to accept the findings of the Board.
Mr. Chris Blake said this is a continuation to what was started previously. The application provides a fence in the front of the property at 78 Hoover Drive. The fence will be closer than the Front Yard Set-back allows, and will be 6' high, the ordinance requires 4' high. We will have more than 50% open. It will be the vertical metal bars, of 6'. It will become black, so it will blend in with the nature and the land-scaping and all those things and..... They had comments that they really needed to see some kind of document exactly where this fencing should be placed, and how it should be placed. I have these drawings and I have 11 copies .
The drawings were marked A-1, and the copies were distributed to the Board members. ***(5:16)***
Mr. Chris Blake said this is the site plan of the site, prepared by myself. And this indicates the .....the sidewalks, the patios.....the landscaping as well as the fence we are proposing. First I'd like to discuss the property itself. The property itself is irregular, it's not a square property, it's not a rectangular property. It has a perpendicular corner to it. It has a large radius of the 3rd side, if you will, almost a *chine* view of property. The large radius of the big side, if you will, is the front yard of this super dry, and it is a very soft corner as it continues up the hill. It's kind of a corner property, kind of a triangular property. It's an odd shaped property, It's also a wooded property, and a steep, may not be the right word, but a property with a hill.....The house is a 2 ½ story brick dwelling, which sits on top of the hill. It does have a respectable side back here, and it does maintain a 50' front set-back, giving the large front yard that we have. However, the front door has a sidewalk, if you will, that locks on to the driveway, and it really has no sidewalk out to the street .....*you cannot picture the front of this house, until you are standing right in front of it.* So it's a lot of lawn-scaping and man-made *chirp.* When you are along the street, its kind of tucked away ....it's kind of hidden, **(7:11**) and really the main access to the house is through the driveway propped over to the side. What we are proposing is a fence that will run along the front of the property. There's already the chain- fence along the rear of the property. We are continuing it and enclosing it. There is a variety of reasons. There is wild-life throughout the area. It's sort of a wooded area. There is a lot of wild-life here. And without a front door all the Amazon people and deliveries and sort of like that, let themselves in the driveway, and they don't know where the front door is and they just meander around the property, and drop off packages, and check-off my client, and things of that nature. **(8:09)**
So, we are trying to have a little more control over the property. Trying to give it a little more security and a little more privacy. Putting the fence up along the 50' front-yard set-back would really almost clip off one of the corners of the house. And suddenly you've got 51 ½' from the front of the property anyway. You would definitely have to change the sidewalks, and it would cut right through the driveway that is right in front of the garage. So it's not really a practical solution . So what we are proposing is more a meandering fence, that again kind of goes along this large radius off Hoover Drive. Closer than the 50' Front Yard set-back allows, but tucked away within this landscaping area. What I'm showing on my colored version here, the green splotch, I am calling the landscape area. I don't know even how to describe it. There are some 50' and 60' trees. There are a lot of 10' and 20' bushes. There is ground cover, there is a variety of landscaping, none of it is grass.....it is not really visible near the house.....I have a few photographs. I can't really say which one comes from which direction. **(9:49)**

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It's just a variety of photographs, that are relatively closeup, but they give kind of the tip of the landscaping buffer area that I'm speaking of. And it gives you the gist of what we are working on. There are three copies of this section. There is also an obvious picture of the driveway. The driveway has pillars lining it.....just four or five feet high **(10:30)**

Board Members examined the photos. Mr. Blake commented on the photos.

Mr. Blake said what we are proposing, you can probably see it on your *site plan.* It's a green line and it kind of shows where would the pit be made, sunk. And it really does kind of wrap around into the landscaping. When we are there, it will be easy enough to say, we will start at these trees, we'll go over there. I'm not a surveyor . *I'm not able to draw the landscaping* that was there to that level of detail, but we took some measurements from the curve in the road to the property line.....so we know where we want the fence to be. And what I am indicating is that it will be anywhere from about 25' to about 17' from property line. Again that's a little naturel kind of form. It kind of follows the contour of the landscape. Trying to hide this plaque within the landscaping, if you will, so it doesn't look like a prison, so it doesn't look like : 'Stay Out', or 'Stay Away' or any that kind of nature. We are trying to blend it in with the nature and the landscaping, so it feels comfortable. Again, the privacy, and all of those kind of natural things, we want to tie the fence into the colors, masonry colors..... of the driveway. So at one point the fence will get close to the property line. Three or four feet away they kind of match the pillars. It starts 20'away and then narrows down to that one point where it hits the pillars. Again, it's a large property, with a lot of vegetation, and I'm not even discussing the topography, which is the same as the .....It's probably 10' lower than the first floor of the house. .....The road is generally down there, and between the trees and topography, you *cannot see the house is there.* I think to fix the sunken look, still looks to many of us.....topography and how high the house is, it's not going to block the vision of the house, *it will add a* ***(14:17)*** *little privacy.* We are proposing gates to the driveway, to give us this enclosure and privacy all year around. It keeps out the animals and all those good things. Again, its just the nature of this large property, with its topography and peculiar shaped property , it does not allow us to really put the fence where the Zoning Board needs.....I don't think we're exceeding the meaning of the ordinance. We're not lining up with our neighbors, so to speak. Again, that's a lot of nature and landscaping, and we are not .....in a perfectly green grass lawn. It looks too big and too out of place. I think we are working with a sizable property, grade up to the front door and lot of natural vegetation which we very much would like to maintain.....I think this gives the client what she is looking for which is a smaller front yard and it feels like you have a little bit of the yard, not the 10' that the 50' set-back would require.

M**r. Kassis** said I have a couple of questions.....The area that concerns me is the **(16:04)** driveway entrance where you have a pillar, it's 3'. It appears that the right pillar is on the property line. Is that an accurate representation, of what I am seeing here ?

Mr. Blake said I have to figure out. I have a substantial survey. *I believe that's true.*

M**r. Kassis** said if there was a fence off the driveway, and a car was to pull in,.....the back of the car would probably be in the traffic which would probably raise a safety risk for the community. We've had applications in the past, where we insisted on 20', which is a typical larger car length or limousine . And while I understand the desire to have the fence come into contact with the pillars. Do you know the height of those pillars ?

Mr. Blake said I would venture to say they are about 4' to 4 ½ ' the highest one.

M**r. Kassis** said so the fence is between.....which makes those pillars to some degree un-useful, for the purpose of anchoring a 6' high fence . Was any thought given to pushing back, or creating two new pillars, or anchor points, so that the fence gate would then be more than 20' from the curb.

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So that if a car did pull in, it would not be creating a safety threat. **(17:56)**

Mr. Blake said I hadn't thought about it for no particular reason. But I don't think that could be a problem or that idea.....

M**r. Kassis** said right. Now you mentioned the set-back requirements. Was your understanding of the regulation for how many feet back from the property line on the front of house ?

Mr. Blake said for some reason, I was assuming that there was more than 50' back. Not in the front yard, it could be a 6' high fence. If it was in the front-yard, it could only be a 4' high fence. That was my reading. So when I say it couldn't be 50' back, I guess I'm referring to the fact that the *fence* could be 6' high without being here.

M**r. Kassis** said in the application provided to us, could it be modified to allow for 'no closer than 20' *the border to the fence* so that it would create enough of a camouflage.....

Mr. Blake said it could. Like I said, I was somewhere in that neighborhood. They were at 23' and 17' . We could say no more than 20'. Again, it's a little hard for a layman to say that it will be exactly 20' because of trees and things like that. So, no closer than 20', would be a way to handle that.

M**r. Kassis** said is that something that you are proposing to the Board on behalf of your client ?

Mr. Blake said yes, I think I would, but I think I would like to, because that's what I'm proposing anyway. That the fence will be no closer than 20' to the front yard property line. And that includes the gate of the driveway, which, I may propose, to either leave the columns or replace them. But in any event, the gate and the fence wouldn't touch the current ones and would be 20' from the property line. **(20:20)**

M**r. Kassis** said I personally wouldn't object to allowing for pillars at 20' back, to anchor that fence and create an area for a fence to be attached to that location. The other question was that of privacy. And while, I am not a big fan of plastic fences. This fence that you are proposing doesn't really provide a lot of privacy.

Mr. Blake said it's not visual privacy, its just keeping people off the property privacy.

M**r. Kassis** said fair enough. Are there any other questions from the Board ?

Ms. Westerfeld asked is the Gate going to look like the proposed Gate picture ? its plastic and 50% it doesn't look it.

Mr. Blake said it will be more than 50% open.

M**r. Kassis** said would you state to the Board what type of fence you are proposing.

Mr. Blake said the intention would be the black metal fence, whether it would be a composite material, or who knows what. The idea is a black steel fence. It's one with pickets, or whatever they are. They are 4" apart, they are probably less than half an inch. The intention was to blend in with the landscaping,

Board Member That would be 75% open ?

Mr. Blake said yes **(20:22)**

M**r. Kassis** said 6' fence, 20' back, black, 75% open. Any other questions from the Board ?

Is there anyone here in the audience that would like to be heard regarding this application ?

Let the record show that no one was here tonight regarding this application.

M**r. Kassis** said so we have a few modifications, let's just re-cap them.

75% open, it would be no closer than 20' to the street, there will be at your option, masonry posts at the anchor points for the fence and gate, the height of the fence will be 6' maximum, and that will be it. That's all that's being offered to the Board.

Mr. Blake said yes.

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Mr. Kassis said alright, could we have a motion for or against the application as amended.
Mr. Cleary made the motion. Mr. McCord seconded .
A roll-call was taken.
All Board members voted to grant the application.
Mr. Kassis said the Memorialization will take place at the next Zoning Board meeting in 30 days.

Mr. Kassis said the next application tonight is: **(25:05)**

1429 TGBTB 141 Truman Drive Block 91.08 Lot 23

Description	**Required**	**Existing**	**Proposed**	**Variance**
Lot Area	40,000 sq. ft	39,100 sf		
Lot Frontage Lot Depth	150’ 200’	170’ 230’		
Front Fence	4’ Height 75% open		6’ Height Less than 75% open	
Over-sized Posts / Columns	Included in Impervious coverage	Less than 20%	Less than 20%	Excluded in Impervious coverage
Distance of gates to roadway	25’		14.2’	complies
Gate Height	Less than 150% fence height		6’	
Fence location from street	**10’**		14.2’	complies
Fence painted one color				complies
Not installed on Bern nor swale nor wall				complies
Finished side away from property				complies
Permit flow of natural drainage				complies
Not erected in Borough right of way				complies

The owner of the property wants to install a security wall / fence with entrance gates at the above address.

Note: A driveway gate will not meet the requirements for a pool barrier.

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Mr. Kassis said Please step forward.

Mr. Joseph Paparo esq, introduced himself. Good Evening, Joseph Paparo from Porzio, on behalf of the property owners, TGBTB Trust. This application involves the property at 141 Truman Drive, Block 91.08, Lot 23 on the borough Tax map. I am here representing the property owner in connection with a variance application for installation of the security fence and *key* that is being proposed to you this evening. As I mentioned, this property is located at 141 Truman Drive. The variances that we are requesting as part of this application. The first variance is for Fence height , where 4' is permitted and 6'is proposed. The second variance is for fence transparency, where 75% is required and less than 75% is proposed. You'll hear testimony this evening from our planner that the deviation just concerns the gate. and the remainder of the entire fence does comply with that transparency requirement, it's just the gate portion of the standing. Third, and finally, we are requesting a variance from the gate set-back from the road where 25' is required, as drawn on the plans before you, it measures 10' deep from the roadway. I will defer the rest of the testimony to our professional planner, from Stonefield, who will respond to the variance plans before you (**26:48)** this evening. As part of the introduction I just wanted to mention that these variances as they appear from our ....., are being requested for purposes of privacy and security of the occupant of this home. As the occupant of this home is a public figure, recognizable Grammy award winning artist, who is extremely interested in having a certain level of privacy and security. That need for privacy and security, focuses primarily on the less than transparent gate portion of this. Because the orientation of the gate and the front door of the home. Again our planner will go through details regarding the plans, the fence and gate, location, and provide the Planning justification according to the municipal Land-use law, for this court to grant these requested variances. I would note particularly on the plan, the property owners have invested a significant amount of money in this property. There is extensive landscaping along the front of the property, which was installed since the property was acquired. The fence as discussed by our planner will blend into that existing landscaping that's been installed, and the extent that's proposed is aesthetically pleasing, in our opinion. It will have no negative impact on the surrounding property owners. So without any further opinions from me or discussion, I'd like to begin our testimony with our professional planner, from Stonefield Engineering, again, who was responsible for the plan that is before you, . Thomas Ricci.

Mr. Thomas Ricci. was sworn in . **(29:00)**

Mr. Paparo esq said for the Board and the public can you give your expertise, your education, the licenses you hold.

Mr. Ricci said certainly. I'm a Project manager at Stonefield Engineering and Design. Our office is located at 92 Park Ave. in Rutherford NJ 07070. I am a licensed professional planner in the state of NJ. I am certified by the American Institute of Certified Planners. Bachelors and Masters degree both from Rutgers University in Regional Planning. I have been accepted by more than 85 Boards in NJ and NY. Many of which you've heard me *tabbing* .

Mr. Paparo esq said your license is presently in good standing ?

Mr. Ricci said yes

Mr. Paparo esq said Chairman, I offer this witness as an expert in Planning.

Mr. Paparo esq said Jury-chair, I know you have a number of exhibits. Just before you provide any testimony, anything that hasn't been submitted.....lets mark those exhibits.....and explain those exhibits to the directors, again before you provide any testimony.

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Mr. Ricci said. Sure, So the first exhibit that were as marked A-1, is a 2 sheet exhibit that was prepared by our office, and they did July 25th 2024. Sheet 1 consists of an aerial, and sheet 2 is a photo from a site that *said Truck Sign.*

Mr. Paparo esq said and you have copies for the jury members?

Mr. Ricci said I do.

Mr. Paparo esq said mark this as exhibit A-1. **(31:43)**

Mr. Ricci said sure. So, as you've heard, this is not an application for a fence and a gate at 141 Truman Drive. This is a single family home. It is located in the R-40, one family residence district. As *Mr. Baccaro* had mentioned, the property is owned by a pretty high-profile individual. Without getting into too much detail, Grammy award winning artist, working in the music entertainment industry for 12 or 30 years, and the reason that I bring up is, that the career has obviously garnered a lot of attention to her private place of residence. And that's really the reason why we are here requesting variances to help mitigate that. To put up some privacy. Fencing and screening and make it more safe and more secure for this individual that's living at this property. So that's really the reason why we are here requesting those variances. So, I will note before I actually go into the individual variances and site plan, we try to be as sensitive as possible to the code requirements. Every effort has been made to make this blend into the existing site features. Which are the existing masonry walls, interesting landscaping. We really tried to blend it in so it doesn't look like a non-compliant fence in this neighborhood. So moving on to the site plan. **(33:20)**

Now, this was submitted to the Board. A two sheet site plan. Sheet 1 is the cover sheet which has general information about the owner, the project, the environment.

Sheet 2 of that site plan.....*the recording was barely audible, Mr.Ricci gave a detailed description and explanation of the site plan.*.....it's a 6' tall fence on the front half of the property. It's approximately 9.8' from the left side property line.....*rattling of paper.....6' solid.....and vinyl fence.....the intention is not to have a wall, it's to be able to separate essentially someone coming into the property from the street.....75% transparency.....will go in between the existing* arborvitae, that line the back of the property, and are about 12' to 13' feet high and then we have the fence at 75% transparency . And then we are proposing.....in front of that fence. from the back-fence about 4'or 5' high . So you are only going to see the top one or two feet of this fence, and it's basically going to be sandwiched in between two lines of landscaping. And even that one or two feet that you do see is 75% transparency. So as I mentioned .....security, perception of safety at the parking, keep people out that are interested in sneaking in. But the goal is *blindles*s, and make it not like a 6' wall that's wrapping property. **(35:42)**

Mr. Paparo esq said Mr.Ricci could we just stop there. Does the fence as you described it, does comply with the transparency requirements. Correct ?

Mr. Ricci said the fence itself does**.**

Mr. Paparo esq said the only variance to the fence, the linear feet of fence as proposed, is the additional 2' in height from the *form of the fence*, correct ?

Mr. Ricci said that is correct. And then the transparency piece of this got dozens of requirements and it's just the gate itself. *That's approximately 20' of this.....just the gate, everything else would be 75% transparent. .....Now, that there is questions on the floor on the transparency..... 5% versus 10% open.....*there is currently no gate on the property, we really can peak in and see, there is a lot of glass in the front.....there's not a lot of privacy there.

Mr. Paparo esq said Mr. Ricci, could you explain, in more detail, why the Construction Official was concerned and directed your office to go with a more solid, Semi-solid was what the Zoning Official

1429 TGBTB (cont.) 141 Truman Drive Block 91.08 Lot 23

Mr. Paparo esq (cont.) classified as, gate. Is there an orientation with the house. Is there some kind of visibility that the owner is concerned with ?

(37:06)

Mr. Ricci said yeah, *he described how easy it was to see everything inside and outside of the house through the windows of the main areas of the home. You really can, as you are driving past it, you* can fully see into the property. So that drove the desire to have this visual stream just for that part.....

Mr. Paparo esq *said for fence location from the street, Karl mentioned 10' but the proposal is 14.2' from the gate to the curb line .*

Mr. Ricci *explained the difference.*

Mr. Ricci and Mr. Paparo esq *continued to discuss the plan as depicted in the application to install a security wall / fence with entrance gate .*

Mr. Ricci described how the fence would blend with the landscaping.

Mr. Ricci said .....as I mentioned before, this is not going to look like a 6'solid wall. .....we've looked at the character of the neighborhood.....there are properties with fences that expressed a desire for privacy and security.....the application is not substantially out of character. It is actually in character with a lot of properties in the area.

Mr. Ricci said to sum up..... the benefits substantially outweigh the detriments.....plans fit into the character of the neighborhood, there are many properties that have features that are similar to this. The elaborate landscape demonstrates a desire for increased and enhanced security.....so while we are seeking these variances, I don't think that these are substantially out of character.....this proposal notes safety and privacy for the homeowner.....

Mr. Paparo esq said Mr. Ricci you can also say that discouraging on-lookers or others. Loitering or stopping would be benefit to the public, not just to the property owners.

Mr. Ricci said yes, it would.

Mr. Paparo esq *said regarding the 75% transparency and the intent of the ordinance. Is it your opinion that since all the linear feet of proposed fencing comply. That 20' of gate, would that in your opinion, further in the goals of the axis of the curve ?*

Mr. Ricci said yes

Mr. Paparo esq said Mr. Chairman and Board members, I have nothing further to *present***.....(41:38)**

Mr. Kassis said Okay. A couple of questions. On the.....walls, and there are plankings beside the driveway, those are at the property line, correct ?

Mr. Ricci said yes .....it runs contiguous with the front property line.

Mr. Kassis said would it be fair to say that your clients, or guests, probably *will* be transporting or transported in very large vehicles ? Maybe limousines, that far exceed the 4.2' inlet.

Mr. Ricci said large SUV's.

Mr. Kassis said larger than 4.2' ?

Mr. Ricci said 14.2 **(42:22)**

Mr. Kassis said that's a line that's hard to read. 14' to the curb. In the last application, that is two turns. A vehicle, even at 14', is smaller than any SUV. Placing a fence in there could create a safety risk to someone coming up and down the street. That would be one issue, that I would be concerned about. The other would be the placement of the fence in front of the landscaping, that is very nice.

Was any thought given to placing the fence behind the landscaping ? So that it would have to be subject to having to be seen by everybody.
Mr. Ricci said yeah, we did give that a thought, but that means placing it behind the Green Giants. It cuts through the existing driveway area, you see it has a gate....
1429 TGBTB (cont.) 141 Truman Drive Block 91.08 Lot 23
Mr. Kassis said I wasn't talking about the gate. I said the fence. I was talking about the fence first .
Mr. Kassis said the fence is located, a long stretch of fence. behind the Arborvitae. Whatever we end up doing, privately, ...Could the fence can be located behind the plants without a detrimental impact to the state of the *swan*.? **(44:05)**
Mr. Ricci said it probably could, but as I mentioned, a lot of it depends where, how we bring the fence back, and where the gate gets located.....its tough to see, there are some walls that are hidden under or behind the Green Giants.
Mr. Kassis said Lets do one thing at a time.....do you have anything to add to the 2 ideas?. We are talking about the fence right now.....
Mr. Ricci said The fence could be placed (a good suggestion) there behind the existing Arborvitae. Looking at the survey it doesn't impact retaining walls. That doesn't seem to be a problem.....
Mr. Kassis said one thing at a time. So on both sides of the driveway, you could re-locate that end.....it's 15' from the property line. Is that correct ?
Mr. Ricci said for me it's 5.5' from the property line.
Mr. Kassis said 5.5 from the curb, where the proposed would be.....I would have to assume.....15' from the property line, which would be the back side of the Arborvitae **.** **(46:10)**
Mr. Ricci said yeah, that looks right.
Mr. Kassis said lets talk now about the gate. There is a concern, there are Board members that feel that its not, that the idea of having vehicles stopping and having their tail end sticking into the roadway.....that's going to be a difficulty
Mr. Paparo esq said Mr. Chairman, if I may, there is one piece of information regarding the gate and the fencing, I don't know if you have talked about this. There is also according to our discussion with the *Apopyle Royalties***.** Cameras, there will be Other Equipment, license plate reader, all of that technology, according to our client will speed up the process of having that gate open and close, and that vehicle won't be staged until somebody physically has to do something like push a button There's technology that is going to be incorporated into this proposal, that hopefully will speed up that process. Your concern is still valid; but I'm wondering, if knowing the amount of technology included in this, to get a vehicle off of the street and into the property, that would persuade you in some way to allow the 14. line. I think Mr. Ricci's testimony.....I'll let you testify Mr.Ricci (**48:06)** Is there any issue in moving that gate too far into this property ?
Mr. Ricci said yeah, because.....you move it into the property, it can't fly anymore because the trees and the walls will obstruct.....you move it further then you are in the middle of this park.....
Mr. Kassis said that will impact the ability of the vehicle to park in the driveway.
Mr. Paparo esq said correct.
Mr. Kassis said is there a number that could be set-back without resulting in any issues. Is there any possibility, as far as the Board is concerned, is there an ability to move that case slightly there to that 14.2
Discussion between Mr. Ricci and Mr. Paparo ***esq***
Mr. Kassis said the same technology that you spoke about, is one of the technologies that I'm concerned about, allows for texting and driving, and maybe not in focus driving down that street. Maybe they are approaching your client's, maybe they are looking on their phones, to see if they are on your client's list. And then only to wind-up rear-ending a vehicle that is trying to get into the

1429 TGBTB (cont.) 141 Truman Drive Block 91.08 Lot 23

Mr. Kassis (cont.) gate.The technology is a double edged sword, which makes me that much more concerned . And the idea of plating the gate behind the plan, I find favorable. And the idea of locating the fence portion in that same line of paths would give not as much necessarily, but it gives me far closer to what would be.
A car could safely pull in there, even if a deer ran into the street. And that could be achieved, I would imagine either by tiled or paved closing gates.
Mr. Ricci and Mr. Paparo esq had a consultation.
Mr. Kassis said take your time you are the last application this evening.
Mr. Paparo esq said if it helps, we were just discussing the risk technology. We have a gate that sinks into the ground and pops out.
Mr. Ricci said I've seen one but I haven't posed one yet.
Mr. Paparo esq said Mr. Chairman , Board members thank-you for the opportunity **(52:53)**
After consultation, it appears we could move the gate to a set-back of 20'. So increasing it from 14.2 (that was originally proposed) to the 20. It would still be a sliding gate. Which is the owner's preference. There are a number of reasons . Otherwise, the swing would completely eliminate the usefulness of the driveway in parking a car. **(53:22)**
Mr. Ricci said It would be more than that with the swing.
Discussion between Mr. Ricci and Mr. Paparo esq
Mr. Kassis said Okay. So let's just re-think.....Swing gates because if the width. How wide the area which the gate would need divided by two . How large would that be if it would swing towards the road.
Mr. Ricci said it would swing inward cause the property slopes in.
Mr. Kassis said so you don't have to worry about it hitting the curb
Mr. Ricci said no, most swing gates swing into the property.
Mr. Kassis said .....and having less than 75% transparency makes that an obstruction and I am concerned about that. Okay, so we are talking about- so what's the distance to .....not to the curb?
Mr. Paparo esq said from the area of the gate to the *tenancy.* Something is wrong with that and I believe it must be 15'. If you look at your commission trending forward the utility is .....15' below the line..... right behind the stone wall so the gate would be outside of the.....and would be 15'. Am I correct ? **(55:40)**
Mr. Ricci said that line behind the trees is the 25' line.
Mr. Kassis said I'm looking at, in blue ink, on your commission here. It says 15 , 15 utility right of way.....and has a floor area from the 3rd line to directly behind the stone wall that's there. So the entire area, so the entire *Seng-Seng* gate would be 15` from the property line.
Mr. Paparo esq said Now if the gate gets measured from the roadway,
Mr. Kassis said I'm just asking from the property line. I know that the gate is a different story, but its going to be a straight line along that 15' utility easement.
Mr. Ricci said said.....we proposed the 20' to the road. So that would be closer than the 15' fence line from the property line. **(57:06)**
Mr. Paparo esq said would you mind first visualizing it- to draw it. So that we can see it. Where the proposed line would be then. It might be easier on this map, because we have the use that we can look at much easier.

1429 TGBTB (cont.) 141 Truman Drive Block 91.08 Lot 23

Mr. Kassis said so while the rest of the Board is looking at the calculations you provided. The area between the house and (used pointer to indicate) what is that area ? He's concerned about parking today. So the driveway is shifted back so that the parking would be accommodated during having guests.....I have to be honest, the idea of having a gate that close to the street is problematic. In the **Mr. Kassis (cont.)** last application we are trying to be consistent and look after the community. First we looked at this particular property. It seems something that the activity would be much more so, than the previous application. Maybe the application is different. We do want to do what's best for the community and work the best we can for your client. (**1:00:22)**

Mr. Ricci said I just converted the contract.....*described the difficulty in reading the contract.....*

Mr. Kassis said so what I said to re-cap. What I look for, and I'm not speaking for the rest of the Board, would be to use the utility line easement, which is 15' from the property line, and make a straight run across the property, gate and fence, allowing, personally, to have the 6', and to have the less than transparent fence as required. Personally, that would be something I could support. Bringing the fence any closer, I could not support that.

Mr. Paparo esq said .....no mike.....

Mr. Kassis said the fence because the gate itself

Mr. Paparo esq said .....no mike.....

Mr. Kassis said I understand the gate, ...creates safety issues for the community, and we want to make sure that everything is.....

Mr. Paparo esq said .....no mike..... **(1:03:15)**

Mr. Kassis said Okay, are there any other questions from the Board members regarding the application we have in front of us tonight ?

I will open this up to the audience. Is there anyone here to be heard ?

Step forward please, and state your name and address in front of the microphone so it can be heard.

Mr. Van Horne esq. said would you stand please and give your name.

Do you swear to tell the truth, the whole truth and nothing but the truth so help you God ?

M**r. Sancheti** said yes.

Mr. Van Horne esq. said Please state your full name and spell your last name.

Mr. Sancheti said ASHOK KUMAR SANCHETI

Mr. Van Horne esq. asked where do you live ?

Mr. Sancheti said 128 Truman (**1:04:14**)

.....the recording of Mr. Sancheti was very difficult to understand .....

Mr. Sancheti said if TGBTB was allowed a 6' fence, everyone would do it . Can I raise my fence to 6' ?.

Mr. Kassis said each application is decided on its own merits

Mr. Sancheti *presented a negative argument on the approval of application #1429.*

Mr. Van Horne esq. said if somebody else wants to raise, or put in, a pixel fence or less than 75% transparency, they have to come and make an application to the Board, and it will be decided on the merits of that case.

Mr. Sancheti continued to argue. (recording unclear)

Mr. Van Horne esq. said that's not so.

Mr. Sancheti continued to argue. (recording unclear)

1429 TGBTB (cont.) 141 Truman Drive Block 91.08 Lot 23

Mr. Van Horne esq. said **Mr. Sancheti** you are making a statement that you oppose the application.
Mr. Sancheti said yes**.**
Mr. Van Horne esq. said because and I understand your reasoning it. You are afraid that every one is going to do it and also that some could easily get it over 6'.
Mr. Sancheti continued to argue (recording unclear)
Mr. Kassis said we would hear your application, and as was demonstrated tonight every application receives a high level of critique by the panel here who are all volunteers .Spend their personal time to come here and hear the application. Some of us have done this over 25years.
Mr. Sancheti commented (recording unclear)
Mr. Kassis said as you heard in the last application, 141 Truman Drive, the fence is being located behind foliage . Which, if granted, would make it disappear behind those plants. And it would also alleviate those concerns, if its granted. It wouldn't block traffic. But the fence is going significantly back in comparison to what they came here for. And, as you could see, they spent a lot of time deliberating on whether or not this was possible. So the Board sees each application, spends a lot of time deliberating on whether or not this was possible. So the Board sees each application and looks at the needs and the merits and what's being installed, and every property is different. And if there is something that you would like to come in the future for, feel free to follow the same procedure. And hire the same professionals to come in on your behalf , and we'll be glad to hear it.
Mr. Sancheti commented (recording unclear)
Mr. Kassis said The Cresskill Board of Adjustments, our job is to make adjustments to variances when needed or warranted and the variances for the rest of the town will remain as they are, unless the mayor and council make the decision to change something so the decision tonight can only affect this property, and no other property in town . **(1:08:35)**
Mr. Sancheti commented (recording unclear)
Mr. Kassis said the gate is not going to be 75%., there is going to be a privacy factor built into it
Mr. Sancheti commented (recording unclear)
Mr. Kassis said is there anything you'd like to add to your testimony tonight ?
Mr. Sancheti expressed his appreciation
Mr. Kassis said Thank-you. The Board will consider your comments.
Mr. Van Horne esq said anyone else in the audience that would like to address the Board ?
Mr. Kassis said one question came up in regard to the neighbor who was just here.
In regard to the gate: What percentage of transparency .
Mr. Ricci said right now our details show us that the 10% open right now. So we won't exceed that. It would be at most 9% solid or less.
Ms. Westerfeld conferred with Mr.Kassis.
Mr. Kassis said there is a Board member who is asking whether or not there is the possibility of increasing the transparency somewhat.
Mr. Paparo esq said the primary reason for that gate is so that people can't see the front doors of that home. So I think, unless there's some percentage point, Mr. Ricci, where we could go up **(1:10:57**) where we still could not perceive that front door, we would have no objection to that. But if it's so transparent that it doesn't serve its purpose, then I don't believe we could make use of that.
Mr. Kassis said could 20% be something that we could get behind ?
Discussion between Mr. Paparo esq and Mr.Ricci

1429 TGBTB (cont.) 141 Truman Drive Block 91.08 Lot 23

Mr. Kassis said so to re-cap. Your application, the only two changes would be the installation of the fence and gate, 15' from the property line. And make the gate no less than 20% transparent, and there is now discussion now about changing the habit.
Mr. Paparo esq said and the gate will be 20' from the curb, 10' from the property line. **(1:12:10)**
Mr. Kassis said 15 from the property line.
Mr. Paparo esq said so it will be at least 20' from the curb.
Mr. Ricci said yeah at least.
Discussion among Mr. Paparo esq, *Mr. Ricci and Mr. Kassis regarding gate and fence locations.*
Mr. Kassis said the entire length of the gate and fence will be 15' from the property line.
Mr. Ricci said correct .
Mr. Kassis said alright the motion. Do we have a motion to accept the amended application.
Ms. Westerfeld made the motion.
Mr.Cleary seconded.
A roll-call was taken.
All Board members voted to grant the application.
Mr. Kassis said the application was granted as modified
Mr. Kassis said the Memorialization will take place at the next Zoning Board meeting in 30 days.

Please see next page

Borough of Cresskill
Zoning Board of Adjustment
Public Meeting 7:30 pm
Minutes July 25, 2024

Memorialization

1426 Tamar Snir Feldman & Barak Feldman 12 Mountainview Rd Block 1.03 Lot 3

Description	**Required**	**Existing**	**Proposed**	**Variance**
Front Yard Set Back	25’	30.3’’	25’	
Side Yard Abutting/Lot	15’ **20’**	17’ **23.5’**	17’ **11’**	**9’**
Combined Side Yards	**35’**	**40.5’**	**28’**	**7’**
Min. Rear Yard	30’	56.8’	56.8’	
FAR		20.8%	21.6% (2,136 sf)	
Height of Building	28.0’	24’	24’	
Lot Frontage	100’	75’	75’	ENC
Lot Depth	100‘	105.93’	105.93’	
Bldg. Coverage %	20%	12%	14.9%	
Impervious Coverage		32.4%	21.6% (2,136 sf)	
Lot Area	10,000 sf	9,866 sf	9,866 sf	

The applicants, Tamar and Barak Feldman, were granted the above variances to construct an addition at the above referenced address.

Please see next page

Borough of Cresskill
Zoning Board of Adjustment
Public Meeting 7:30 pm
Minutes July 25, 2024

Memorialization

1427 Muhamet Mamo 46 Chestnut St Block 57 Lot 9

Description	**Required**	**Existing**	**Proposed**	**Variance**
Front Yard Set Back	**25'**	**19.19'**	**19.19'**	**5.81'**
Side Yard Abutting/Lot	**15'**	**5.7'**	**5.7'**	**9.3'**
Combined Side Yards				
Min. Rear Yard				
FAR				
Height of Building				
Lot Frontage				
Lot Depth				
Bldg. Coverage %	**20%**	**20.4%**	**20.4%**	**0.4%**

The applicant, Muhamet Mamo, was granted the above variances to build a roof over his front porch at the above referenced address.

Please see next page

Borough of Cresskill
Zoning Board of Adjustment
Public Meeting 7:30 pm
Minutes July 25, 2024

Memorialization

1428 Maria Topilow 15 Van Buren Court Block 211 Lot 16

Description	Required	Existing	Proposed	Variance
Side Yard Fence	4' high 50% open		5.5' high 75% open	1.5'

The applicant, Maria Topilow was granted the above variance to install a fence in the side yard that matches the one already installed on the other side of the house, at the above referenced address.